

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

IN RE: GOLD KING MINE RELEASE  
IN SAN JUAN COUNTY, COLORADO,  
ON AUGUST 5, 2015

No. 1:18-md-02824-WJ

*This Document Relates to: No. 1:17-cv-00710-WJ-SCY*

**ORDER DENYING SALEM MINERALS, INC. AND SAN JUAN CORP.'S  
MOTION TO DISMISS AS MOOT**

**THIS MATTER** comes before the Court on the Motion under Rule 12, Fed. R. Civ. P., to Dismiss the Complaint on behalf of Defendants Salem Minerals, Inc. and San Juan Corp., Doc. 55, filed August 14, 2018.

Defendants Salem Minerals, Inc. and San Juan Corp. filed a motion to dismiss the claims against them in the Second Amended Complaint, Doc. 6, filed September 26, 2017, in *McDaniel v. United States*, No. 1:17-cv-00710-WJ-SCY. The *McDaniel* Plaintiffs voluntarily dismissed with prejudice their claims against Defendants Salem Minerals, Inc. and San Juan Corp. pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). *See* Doc. 137, filed November 30, 2018. The Court, therefore, denies Defendants Salem Minerals, Inc. and San Juan Corp.'s motion to dismiss as moot.

**IT IS ORDERED** that the Motion under Rule 12, Fed. R. Civ. P., to Dismiss the Complaint on behalf of Defendants Salem Minerals, Inc. and San Juan Corp., Doc. 55, filed August 14, 2018, is **DENIED as moot**.

  
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**WILLIAM P. JOHNSON**  
**CHIEF UNITED STATES DISTRICT JUDGE**